

Regular Session, 2010

SENATE BILL NO. 538

BY SENATOR NEVERS

POSTSECONDARY ED. Clarifies Board of Regents' powers, duties, and functions.
(gov sig)

AN ACT

To amend and reenact R.S. 17:3126(D)(2), 3128(A) and (B)(1), 3130(A) and (B)(1)(a), and 3351(A)(introductory paragraph), relative to postsecondary education; to provide with respect to the powers, duties, and functions of the Board of Regents and the postsecondary education management boards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3126(D)(2), 3128(A) and (B)(1), 3130(A) and (B)(1)(a), and 3351(A)(introductory paragraph) are hereby amended and reenacted to read as follows:

§3126. Power to disapprove; approve; or modify; service regions, establishment

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D.

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(2)(a) The Board of Regents shall evaluate the instructional and physical resources of such existing institutions within each region, including the resources of existing higher education institutions, and shall assure maximum use thereof before recommending the creation of any new postsecondary institution within the region.

The Board of Regents may provide for the use within a region of existing resources

1 from outside the region before recommending the creation of any new postsecondary
2 institution within the region.

3 **(b) Such evaluation shall also be used by the board to create efficiencies,**
4 **increase student access, enhance academic quality, further the goals established**
5 **by the master plan for postsecondary education, and for any other purpose that**
6 **will serve to advance postsecondary education in each region and the state as a**
7 **whole.**

8 **(c) With the exception of those matters enumerated in Article VIII,**
9 **Section 5 of the Constitution of Louisiana that require legislative approval, the**
10 **Board of Regents shall adopt such policies and take such actions deemed**
11 **appropriate and necessary to maximize the use of all resources available to**
12 **support and promote postsecondary education in the state.**

13 * * *

14 §3128. Power to formulate master plan; mission establishment

15 A. The Board of Regents shall have the power to formulate and make timely
16 revision of a master plan for ~~higher~~ **postsecondary** education. As a minimum, the
17 plan shall include a formula for equitable distribution of funds to the institutions of
18 ~~higher~~ **postsecondary** education. The board shall submit its plan and formula for
19 funding to the governor and the legislature.

20 B.(1) ~~In cooperation~~ **After consultation** with each ~~higher~~ **postsecondary**
21 education management board, the chancellor, and the president of each public
22 institution of ~~higher~~ **postsecondary** education, the Board of Regents shall devise,
23 describe, and establish a mission for each public university system and for each
24 institution within each system. Each mission statement shall be included in and form
25 the basis of the master plan provided for in Subsection A of this Section. Initial
26 mission statements shall be completed no later than January 15, 1989, shall be
27 reviewed periodically, and shall be individually revised as often thereafter as is
28 necessary to achieve and maintain the institutional balance necessary to diversity,
29 access, and excellence.

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§3130. Other powers

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A. All powers of management over public institutions of ~~higher~~ **postsecondary** education not specifically vested in the Board of Regents by Article VIII, Section 5 of the Constitution of Louisiana, are reserved to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical Colleges, and the Board of Trustees for State Colleges and Universities, as to the institutions under the control of each.

B.(1)(a) All constitutional responsibilities of the Board of Regents, including the development of a formula for equitable distribution of funds, **provisions of the master plan for postsecondary education, and any other board policy that is part of a statewide plan or has statewide application**, shall apply to all public postsecondary institutions, ~~including vocational-technical schools~~.

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3351. General powers, duties, and functions of college and university boards

A. Subject only to the powers of the Board of Regents specifically enumerated in Article VIII, Section 5 of the Constitution of Louisiana, and as otherwise provided by law, each postsecondary system management board as a body corporate shall have authority to exercise power necessary to supervise and manage the **day-to-day operations of** institutions of postsecondary education under its control, including but not limited to the following:

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

Present law requires the Board of Regents (BoR) to formulate and establish geographic regions of the state in order to maximize the use of the instructional and physical resources of existing state and regionally accredited independent postsecondary educational institutions to provide broad access to education and training services. Further provides that there must be at least one public institution of higher education which awards baccalaureate degrees in each region established by the board.

Proposed law retains these provisions.

Present law requires the BoR to evaluate the instructional and physical resources of existing postsecondary education institutions with each region before recommending the creation of any new postsecondary institution within a region. Allows the board to provide for the use of resources from outside of a region before recommending the creation of a new postsecondary institution within a region.

Proposed law retains these provisions.

Proposed law provides that the BoR shall also use such evaluation of the instructional and physical resources of existing postsecondary education institutions within each region to create efficiencies, increase student access, enhance academic quality, further the goals established by the master plan for postsecondary education, and for any other purpose that will serve to advance postsecondary education in each region and the state as a whole.

Proposed law further provides that, with the exception of those matters enumerated in the state constitution that require legislative approval, the BoR shall adopt such policies and take such actions as deemed appropriate and necessary to maximize the use of all resources available to support and promote postsecondary education in the state.

Present law provides that the BoR, in cooperation with each higher education management board, the chancellor, and the president of each public institution of higher education, shall devise, describe, and establish a mission for each public university system and institution which shall be included in the master plan for postsecondary education.

Proposed law retains these provisions but specifies that the BoR shall carry out the duties prescribed in present law "after consultation with" the postsecondary management boards instead of "in cooperation with" said boards.

Present law provides that all powers of management over public institutions of higher education not specifically vested in the BoR by the state constitution are reserved to the respective postsecondary education management boards, as to the institutions under the control of each.

Proposed law retains present law and makes a technical wording change.

Present law provides that all constitutional responsibilities of the BoR, including the development of a formula for equitable distribution of funds, shall apply to all public postsecondary institutions, including vocational-technical schools.

Proposed law retains present law and provides that the provisions of the master plan for postsecondary education and any other board policy that is part of a statewide plan or has

statewide application also apply to all public postsecondary institutions.

Present law provides that subject only to the powers of the BoR specifically enumerated in the state constitution and as otherwise provided by law, each postsecondary system management board, as a body corporate, shall have authority to exercise power necessary to supervise and manage the postsecondary institutions under its control.

Proposed law retains present law but specifies that the supervision and management powers of the postsecondary education management boards are applicable to the "day-to-day operations" of institutions under their control.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:3126(D)(2), 3128(A) and (B)(1), 3130(A) and (B)(1)(a), and 3351(A)(intro para))